

MELANIE A. HILL
Nevada Bar No. 8796
MELANIE HILL LAW PLLC
1925 Village Center Circle, Suite 150
Las Vegas, Nevada 89134
Tel: (702) 362-8500
Fax: (702) 362-8505
Melanie@MelanieHillLaw.com
Attorneys for Plaintiffs Jeremy John Halgat

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JEREMY JOHN HALGAT, an individual,

Plaintiffs,

vs.

UNITED STATES OF AMERICA, et. al.,

Defendants.

CASE NO.: 2:22-cv-00592-RFB-EJY

**STIPULATION TO EXTEND DEADLINE
TO RESPOND TO THE GOVERNMENT
DEFENDANTS' MOTIONS TO DISMISS
[ECF NOS. 34, 35, AND 36]**

(SIXTH REQUEST)

NOW COMES the Plaintiff, JEREMY HALGAT ("Plaintiff"), by and through his attorneys, Melanie A. Hill and Melanie Hill Law PLLC, and Defendant, UNITED STATES OF AMERICA, by and through its attorney, Jacob Bennett, who hereby stipulate that the deadline for Plaintiff to respond to the United States of America's Motion to Dismiss [ECF Nos. 34] be extended pursuant to Local Rule IA 6-1.

This is the sixth request for an extension of the deadlines. In support of this Stipulation and Request, the parties state as follows:

1. The Government Defendants filed their Motions to Dismiss on October 7, 2022 [ECF Nos. 34, 35, and 36].

2. The parties recently stipulated to extend Plaintiff's deadline to oppose the Motions to Dismiss to March 21, 2023 to allow counsel for Plaintiff to evaluate the claims against the individual defendants David N. Karpel, David Arboreen, Agostino Brancato, and Matthew Wear who

1 filed Motions to Dismiss the claims against them individually under *Bivens* with a further agreement
2 that if the claims against these Defendants were dismissed, counsel for Halgat would have an
3 additional two months to amend Halgat's complaint and/or oppose the United States' Motion to
4 Dismiss [ECF No. 34] after obtaining and reviewing the previously protected discovery in an
5 organized format from the Trial Group 1 defendants and Halgat's criminal counsel.

6 3. The parties also previously stipulated to extend the opposition deadlines to allow
7 counsel for Plaintiff to file a motion to be added to the Protective Order in place in the underlying
8 criminal case so that Plaintiff could share the criminal discovery with Plaintiff's counsel. The
9 discovery is necessary to further plead the complaint in this case in response to arguments made in
10 the currently pending Motion to Dismiss filed by Defendant United States of America.

11 4. Prior to filing the prior stipulations and the motion, counsel for Plaintiff also
12 conferred with the local U.S. Attorneys' office regarding the same. Counsel determined that a motion
13 would be necessary to allow counsel for Plaintiff to be added to the Protective Order in the underlying
14 criminal case so that discovery may be reviewed by counsel for Plaintiff and used to further plead the
15 complaint in this case.

16 5. On November 18, 2022, Plaintiff's counsel filed a Motion to Be Added to the
17 Protective Order [ECF No. 44] in this case.

18 6. On January 4, 2023, Magistrate Judge Youchah denied the motion without
19 prejudice by Minute Order [ECF No. 50] directing Plaintiff's counsel to file the motion in the
20 underlying criminal case finding that the motion had been filed in the wrong case when it was filed
21 in the instant case holding as follows: "Specifically, the Motion asks that Plaintiff, by and through
22 his counsel of record, be added to the Protective Order issued on October 12, 2017, in a criminal case
23 in which Plaintiff is involved. Case No. 2:16-cr-00265-GMN-NJK. It is in that case that Plaintiff must
24 file his Motion."

25 7. The parties further conferred on filing of the Motion to Be Added to the Protective
26 Order in the criminal case.

27 8. On January 25, 2023, Plaintiff filed the Motion to Be Added to the Protective Order
28 in the criminal case [ECF No. 2296 in 2:16-cr-00265-GMN-NJK].

1 9. On January 31, 2023, Magistrate Judge Koppe ordered the United States to file a
2 response indicating its position on Defendants' motion no later than February 6, 2023 [ECF No. 2297
3 in 2:16-cr-00265-GMN-NJK].

4 10. On February 2, 2023, the United States filed its response indicating that it did not
5 oppose the Motion [ECF No. 2298 in 2:16-cr-00265-GMN-NJK].

6 11. On February 2, 2023, Magistrate Judge Koppe granted the Motion to Be Added to
7 the Protective Order in the criminal case [ECF No. 2299 in 2:16-cr-00265-GMN-NJK].

8 12. Since the granting of the Motion, Plaintiff's counsel has been attempting to get all
9 of the underlying criminal discovery in an organized fashion from the defendants through their prior
10 counsel and is still in the process of doing so.

11 13. Halgat's prior criminal counsel, Richard Tanasi, delivered the last of Halgat's
12 criminal discovery on February 28, 2023.

13 14. Plaintiff's counsel is still awaiting the organized discovery from counsel for one of
14 the defendants in Palafox considering Judge Koppe's Order adding Plaintiff's counsel to the
15 Protective Order in the Palafox case.

16 15. Halgat filed a Notice of Voluntary Dismissal of Defendants David N. Karpel, David
17 Arboreen, Agostino Brancato, and Matthew Wear [ECF No. 59] today, March 22, 2023.

18 16. To allow time for Plaintiff's counsel to review the underlying criminal discovery
19 for purposes of prosecuting this civil case and further responding to the remaining pending Motion
20 to Dismiss [ECF No. 34] and/or filing an Amended Complaint considering the delay in getting the
21 discovery and Plaintiff's counsel's recent trial preparation and trial schedule over the last few months,
22 the parties have stipulated to extend Plaintiff's response deadline to the Motion to Dismiss to May
23 22, 2023. The parties have further stipulated to allow Defendant United States of America until June
24 22, 2023 to file its response to Plaintiff's filing.

25 17. This Request for an extension of time is not sought for any improper purpose or
26 other purpose of delay. Rather, it is sought by the parties solely to allow sufficient time for Plaintiff's
27 counsel to review the underlying criminal discovery for purposes of prosecuting this civil case and
28 further responding to the pending Motion to Dismiss [ECF No. 34] and/or filing an Amended

1 Complaint considering the recent granting of the motion to add Plaintiff's counsel to the protective
2 order in the criminal case allowing Plaintiff's counsel to now review the underlying criminal
3 discovery for purposes of prosecuting this case, Plaintiff's counsel's trial preparation and trial
4 schedule over the last few months, and today's voluntary dismissal of Defendants David N. Karpel,
5 David Arboreen, Agostino Brancato, and Matthew Wear [ECF No. 59].

6 WHEREFORE, the parties respectfully request that the Court extend the deadlines as stipulated
7 to herein.

8 DATED this 22nd day of March, 2023.

DATED 22nd day of March, 2023.

9 BRIAN M. BOYNTON
10 Principal Deputy Assistant Attorney General
11 Civil Division

MELANIE HILL LAW PLLC


12 C. SALVATORE D'ALESSIO, JR.
13 Director
14 Torts Branch, Civil Division

/s/ Melanie A. Hill
MELANIE A. HILL
1925 Village Center Circle, Suite 150
Las Vegas, NV 89134
Telephone: (702) 362-8500
Fax: (702) 362-8505
Melanie@MelanieHillLaw.com
Attorneys for Plaintiff Jeremy John Halgat

15 ANDREA W. MCCARTHY
16 Acting Assistant Director
17 Torts Branch, Civil Division

18 /s/ Jacob A Bennett
19 JACOB A. BENNETT
20 Trial Attorney
21 Torts Branch, Civil Division
22 Constitutional and Specialized Tort Litigation
23 175 N. St. NE, Rm. 7.114
24 Washington, D.C. 20002
25 Telephone: (202) 451-7745
26 Jacob.A.Bennett@usdoj.gov
27 *Attorneys for Defendants the United States of*
28 *America, David Karpel, David Arboreen,*
Agostino Brancato, and Matthew Wear

IT IS SO ORDERED.


RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

DATED this 24th day of March, 2023.